

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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Federal Communications Commission  
Office of Secretary

In the Matter of

The Development of Operational,  
Technical and Spectrum Requirements  
for Meeting Federal, State and Local  
Public Safety Agency Communication  
Requirements Through the Year 2010

WT Docket No. 96-86

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REPLY COMMENTS OF THE  
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Michael F. Altschul  
Vice President, General Counsel

Randall S. Coleman  
Vice President for  
Regulatory Policy and Law

CELLULAR TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION  
1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, D.C. 20036  
(202) 785-0081

Its Attorneys

December 3, 1996

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**REPLY COMMENTS OF THE  
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA")<sup>1</sup> hereby submits its Reply Comments in the above-captioned proceeding.<sup>2</sup>

**I. INTRODUCTION AND SUMMARY**

Public Safety agencies and CMRS providers must work together to achieve the most effective wireless communications system for

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<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including 48 of the 50 largest cellular, broadband personal communications service ("PCS"), enhanced specialized mobile radio, and mobile satellite service providers. CTIA represents more broadband PCS carriers, and more cellular carriers, than any other trade association.

<sup>2</sup> The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, Notice of Proposed Rulemaking, FCC 96-155 (released April 10, 1996) ("Public Safety NPRM").

the achievement of public safety goals. The Public Safety Wireless Advisory Committee ("PSWAC") Final Report is an important first step in the process.<sup>3</sup> However, Public Safety agencies should continue to provide CMRS providers with their operational and technical needs, and CMRS providers should continue to develop solutions to meet those needs. In short, the dialog between Public Safety agencies and CMRS providers should continue for the benefit of public safety goals.

Commercial services should play a greater role in providing public safety wireless communications services. But it is also imperative that the Commission allocate additional spectrum to public safety uses. The Commission also should institute a forum wherein CMRS providers and Public Safety agencies can discuss their mutual interests and propose methods of achieving common goals for the benefit of all. Cooperation can and will provide benefits such as revenue generation for Public Safety agencies, higher quality, more ubiquitous and secure commercial wireless networks for public safety requirements, and improved public safety services for citizens of every community.

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<sup>3</sup>

Final Report of the Public Safety Wireless Advisory Committee to the Federal Communications Commission and the National Telecommunications and Information Administration, Sept. 11, 1996 ("PSWAC Final Report").

**II. COMMERCIAL SERVICES CAN AND SHOULD PLAY AN INCREASINGLY IMPORTANT ROLE IN THE PROVISION OF WIRELESS COMMUNICATIONS FOR PUBLIC SAFETY PURPOSES.**

The resistance of Public Safety agencies to greater reliance on commercial services for the provision of public safety wireless communications almost invariably stems from concerns about the levels of reliability and ubiquity, and the features provided by commercial networks. For example, the Association of Public Safety Communications Officials - International ("APCO-International") comments that:

Mission critical public safety communications demand a level of reliability, interference protection, ubiquitous coverage, user control, excess capacity (for major emergencies), immediacy (i.e., without waiting for a dial tone), and security that commercial services are unlikely to provide in a competitive environment.<sup>4</sup>

The County of Los Angeles states that "commercial providers cannot provide the same reliability of service that is built into public safety systems."<sup>5</sup> Similarly, the State of Ohio, Department of Administrative Services asserts that

[t]he use of commercial providers has not generally proven satisfactory for public

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<sup>4</sup> APCO-International Comments at 22.

<sup>5</sup> County of Los Angeles Comments at 3. In addition, the Minnesota Department of Transportation's main concerns about the use of commercial wireless networks include "reliability, responsiveness, coverage, and interoperability." Minnesota Department of Transportation Comments at 14. Further, the Richardson, Texas Police Department has found it "rare to find any commercial service which offers the same level of coverage, reliability, or redundancy as required by public safety." Richardson, Texas Police Department Comments at 2.

safety due to a general lack of known reliability, no prioritization of users and frequently, a lack of coverage in rural and difficult terrain areas.<sup>6</sup>

CTIA respects the concerns underlying these comments and the reservations set forth in the PSWAC Final Report. Although many of the comments reveal a resistance to reliance upon commercial services for the provision of public safety wireless communications, CTIA believes that as technology evolves and the needs of the public safety community become clearly known to the commercial wireless service providers, commercial services will be able to serve many of the needs of the public safety community effectively and efficiently. CTIA is pleased to note that the PSWAC Final Report does not foreclose that possibility.<sup>7</sup>

Market demands will drive the development of many features required by Public Safety agencies. For example, both the commercial market and public safety market demand greater security and reliability in their wireless networks and the competitive nature of the commercial wireless market mandates the provision of these features.<sup>8</sup> With respect to security, CTIA

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<sup>6</sup> State of Ohio, Department of Administrative Services Comments at 8.

<sup>7</sup> See e.g., PSWAC Final Report at 25 ("With technology and innovation advancing rapidly, and markets becoming more competitive and focused, historic experience will not necessarily accurately reflect the potential of commercial services to meet Public Safety's needs.").

<sup>8</sup> The Commission noted the benefits which will accrue to public safety from wireless competition. See Public Safety NPRM at ¶ 90 ("Private companies are investing in wide-area, highly sophisticated wireless communications systems (footnote continued on next page)

members are working to achieve even higher levels of security and encryption for their wireless networks. The increasing reliability of wireless networks was displayed in the aftermath of the Oklahoma City bombing. As Nextel noted in its comments,

[i]n response to the Oklahoma City bombing, the Red Cross, emergency services personnel, and other public safety officials used wide-area SMR services to provide critical interagency communications among these different local,<sup>9</sup> state and federal public safety agencies.

CMRS providers may also be uniquely positioned to provide some relief to the interoperability problems and challenges faced by Public Safety agencies. Interoperability represents an example of one of many potential benefits to public safety goals that would accrue from commercially-developed technologies and services, as recognized by the PSWAC Final Report.<sup>10</sup> However, cooperation and the exchange of information between Public Safety

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throughout the country, multiplying service options and lowering prices for these services. These companies have strong economic incentives to compete for new users, especially large users, and to tailor service offerings to local conditions and needs. We note that public safety entities often are among the largest telecommunications users in their local communities." (emphasis added).

<sup>9</sup> Nextel Comments at 4.

<sup>10</sup> PSWAC Final Report at 41 ("Many present and future technological capabilities are (or will be) developed for large commercial service providers . . . . In the future, as usage of and dependence on these services increases, Public Safety agencies might elect to 'partner' with commercial services (for customized services or features).").

agencies and CMRS providers are prerequisites to the achievement of interoperability goals. Information exchange will enable CMRS providers to better understand the needs of the public safety market as it searches for solutions to its interoperability challenges. CTIA encourages Public Safety agencies to remain open to the ability of commercial providers to offer assistance in achieving these critical goals.<sup>11</sup>

CTIA recognizes that the allocation of additional spectrum to public safety, while very important, alone will not meet the challenges of implementing state-of-the-art wireless communications systems for public safety purposes nationwide. Like many commenters, the PSWAC Final Report noted that the financial limitations of Public Safety agencies operate as a barrier to the achievement of public safety wireless communications goals.<sup>12</sup> CTIA believes that Public Safety agencies (particularly local governments) and CMRS providers may be able to overcome many of these limitations (as well as the perceived deficiencies in the reliability and ubiquity of commercial services for public safety uses) through cooperative efforts.

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<sup>11</sup> CTIA supports the Commission's recognition of the potential benefit to public safety wireless communications goals that commercial services could provide. See Public Safety NPRM at ¶ 86 ("We believe that use of commercial wireless services offers great promise in relief of spectrum congestion and emergence of advanced services for public safety agencies in a timely and cost-effective manner.").

<sup>12</sup> PSWAC Final Report at 21.



CTIA recommends that public and private entities take further efforts to share infrastructure, including tower sites.<sup>13</sup> By leasing space on tower sites to commercial providers on a voluntary basis, local governments, including Public Safety agencies, may be able to realize some gain.<sup>14</sup> Further, as a result of cooperative efforts, commercial services could develop into a more useful and economical adjunct to existing public safety wireless networks.

This would enhance the reliability and ubiquity of commercial wireless services by increasing the availability of tower sites, and should facilitate closer coordination between Public Safety agencies and local governments and commercial wireless providers in the context of natural disasters such as hurricanes, earthquakes, and tornadoes. By permitting commercial

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<sup>13</sup> Ohio indicates that it has plans to implement a similar arrangement. See State of Ohio, Department of Administrative Services Comments at 5 ("[O]ne method of cost containment we plan on utilizing is sharing of resources with various utility providers. In return for tower space, we will permit and encourage direct communication between a utility operations center and the State's Emergency Management Agency.").

<sup>14</sup> The State of Minnesota noted the expense involved and the strain on budgets from the construction of tower facilities. See Minnesota Department of Transportation at 12. The additional revenue generated by the CTIA proposal would ease the burdens of such infrastructure projects and possibly reduce tendencies to impose taxes or fees on CMRS providers that are confiscatory or discriminatory. See Amendment of the Commission's Rules to Preempt State and Local Imposition of Discriminatory and/or Excessive Taxes and Assessments, RM \_\_\_\_\_, *Petition for Rulemaking of the Cellular Telecommunications Industry Association* (filed Sept. 26, 1996).

services to collocate their facilities on the towers of local governments and public safety agencies, commercial services will be able to provide more wireless services (even in sparsely populated areas) while providing additional revenue sources for local governments and Public Safety agencies to run these important programs.

CTIA encourages the Commission to establish a forum for cooperative meetings between the CMRS industry and Public Safety agencies to continue the dialog that produced the PSWAC Final Report. The forum could facilitate both the information exchange and the arrangements for the tower siting proposal that will increase the ability of commercial services and Public Safety agencies to achieve critical public safety objectives.

**III. AS THE COLLABORATIVE PROCESS BETWEEN PUBLIC SAFETY AGENCIES AND CMRS PROVIDERS CONTINUES, CTIA FULLY SUPPORTS THE ALLOCATION OF ADDITIONAL SPECTRUM FOR PUBLIC SAFETY PURPOSES.**

CTIA concurs with the conclusion of the PSWAC Final Report, and many commenters, that more spectrum must be allocated to meet public safety needs.<sup>15</sup> The Commission, in meeting its public

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<sup>15</sup> See PSWAC Final Report at 21. CTIA also agrees with the Commission's tentative conclusion that "allocating additional public safety spectrum is not likely to satisfy the current and emerging needs of public safety communications systems." Public Safety NPRM at ¶ 73. The Commission is correct in recognizing the role of commercial services as an integral component of any strategy designed to provide greater wireless communications capabilities to Public Safety agencies. Id. at ¶ 89 ("[W]e tentatively conclude that facilitating public safety agencies' use of commercial services, wherever feasible and possible, will necessarily be a key component of our efforts to ensure that public safety agencies' spectrum needs are met.").

interest obligations under the Communications Act of 1934,<sup>16</sup> must allocate and assign spectrum based on need.

With regard to mobile services spectrum, Congress has directed the Commission to promote efficient, effective spectrum usage. Under Section 332(a), the Commission, in managing mobile services spectrum, is obligated to promote the safety of life and property, reduce regulatory burdens on spectrum users, improve efficient spectrum use and overall efficiency, increase interservice sharing opportunities between mobile service providers and other services (to encourage the maximum utilization of spectrum), and encourage competition.<sup>17</sup> These considerations should inform the Commission's decision to allocate additional spectrum to public safety use.<sup>18</sup>

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<sup>16</sup> See 47 U.S.C. § 332(a).

<sup>17</sup> Specifically, Section 332(a) provides that the Commission, in managing mobile services (including public safety services), consider, consistent with Section 1 of the Communications Act, a number of policy objectives including whether its actions will: (1) promote the safety of life and property; (2) improve the efficiency of spectrum use and reduce the regulatory burden upon spectrum users, based upon sound engineering principles, user operational requirements, and marketplace demands; (3) encourage competition and provide services to the largest feasible number of users; or (4) increase interservice sharing opportunities between . . . mobile services and other services." See 47 U.S.C. § 332(a)(1)-(4) (emphasis added). These considerations also counsel toward cooperative efforts between and among mobile services users, including public safety and commercial carriers.

<sup>18</sup> Although CTIA supports the allocation of additional spectrum to public safety uses, it does not agree with the proposal of the State of Ohio to relocate the existing commercial cellular providers to make room for Public Safety agencies (footnote continued on next page)

#### IV. CONCLUSION

CTIA urges the Commission to adopt the proposals detailed herein to facilitate the achievement of Public Safety wireless communications goals.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION**



Michael F. Altschul  
Vice President, General Counsel

Randall S. Coleman  
Vice President for  
Regulatory Policy and Law

1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, D.C. 20036  
(202) 785-0081

Its Attorneys

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in that band. See State of Ohio Department of Administrative Services Comments at 11. The cellular spectrum is being adequately utilized. Further, consumers rely heavily on cellular providers for, among other things, on-the-road safety. A change in the band for cellular services would displace those customers causing needless expense and considerable inconvenience. CTIA recognizes the critical importance of public safety wireless communications. However, in light of the availability of other spectrum bands and the difficulty, expense and consumer-displacement that would result from cellular relocation, CTIA supports the pursuit of other methods to achieve the important public safety goals and recommends rejection of the State of Ohio's cellular relocation proposal.

# **CERTIFICATE OF SERVICE**

I, Michael F. Altschul, hereby certify that I have, this 3rd day of December, 1996, served a copy of the "Reply Comments of the Cellular Telecommunications Industry Association" by postage pre-paid, first-class mail or by hand delivery, as indicated, to the following parties:

Reed E. Hundt\*  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Room 814  
Washington, DC 20554

Commissioner Rachelle B. Chong\*  
Federal Communications Commission  
1919 M Street, N.W.  
Room 844  
Washington, DC 20554

Commissioner Susan Ness\*  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554

Commissioner James H. Quello\*  
Federal Communications Commission  
1919 M Street, N.W.  
Room 802  
Washington, D.C. 20554

Ms. Michele Farquhar\*  
Bureau Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Room 5002  
Washington, DC 20554

Robert M. Gurss  
Association of Public-Safety  
Communications Officials-International  
Wilkes, Artis, Hedrick & Lane, Chartered  
1666 K Street, N.W., #1100  
Washington, DC 20006

Robert M. Gurss  
County of Los Angeles  
Wilkes, Artis, Hedrick & Lane, Chartered  
1666 K Street, N.W., #1100  
Washington, DC 20006

Samuel F. Gargaro  
Office of Electronic Communications Director  
The Minnesota Department of Transportation  
Office of Electronic Communications  
161 St. Anthony, Suite 900  
St. Paul, MN 55103

Robert S. Foosaner  
Lawrence R. Krevor  
Laura L. Holloway  
NEXTEL Communications, Inc.  
800 Connecticut Avenue, N.W.  
Suite 1001  
Washington, DC 20006

Kenneth R. Yarbrough  
Chief of Police  
Richardson Police Department  
P.O. Box 831078  
Richardson, TX 75083-1078

Raymond R. Smith  
Project Manager, Ohio MARCS  
Ohio Department of Administrative Services  
Division of Computer Services  
30 East Broad Street  
Columbus, OH 43266-0409

  
Michael F. Altschul

\* Hand Delivery